

रजिस्टर्ड नं० ल०-33/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 25 जनवरी, 1990/5 माघ, 1911

हिमाचल प्रदेश सरकार

निर्वाचन विभाग

अधिसूचना

शिमला-171002, 19 जनवरी, 1990

संख्या 3-5/89ई०एल०एन०-III.—भारत निर्वाचन आयोग की अधिसूचना संख्या 56/89 (8), दिनांक 5 जनवरी, 1990, तदनुसार 15पौष, 1911 (शक्), अंग्रेजी रूपान्तर सहित, जन साधारण की जानकारी हेतु पुनः प्रकाशित करता हूँ।

आदेश से,
हस्ताक्षरित/-
मुख्य निर्वाचन अधिकारी,
हिमाचल प्रदेश।

भारत निर्वाचन आयोग

नई दिल्ली:

5 जनवरी, 1990

तारीख—

15 पौष, 1911 (शक्) ।

अधिसूचना

संख्या 56/89-(8).—भारत निर्वाचन आयोग का यह समाधान हो गया है कि मिजोरम राज्य से लोक सभा के लिए साधारण निर्वाचन में एक रजिस्ट्रीकृत अमान्यता प्राप्त राजनैतिक दल डेमोक्रेटिक पार्टी, उसके कार्य-निष्पादन के आधार पर, निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के पैरा 6 के अनुसार मिजोरम राज्य में राज्यीय दल के रूप में मान्यता प्राप्त करने के लिए हकदार है;

और निर्वाचन आयोग ने डेमोक्रेटिक पार्टी को मिजोरम राज्य में राज्यीय दल के रूप में मान्यता देने और उस राज्य में उक्त दल के लिए प्रतीक "उदीयमान सूर्य" आरक्षित करने का निर्णय लिया है।

अतः अब, निर्वाचन प्रतीक (आरक्षण और आबंटन) आदेश, 1968 के पैरा 17 के उप-पैरा (1) के खण्ड (ख) और (घ) और उप-पैरा (2) के अनुसरण में, भारत निर्वाचन आयोग भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3(iii), तारीख 26 अक्तूबर, 1989 को आ० अ० 162(अ) के रूप में प्रकाशित और समय-समय पर यथा संशोधित तारीख 23 अक्तूबर, 1989 की अपनी अधिसूचना संख्या 56/89 में निम्नलिखित संशोधन करता है, अर्थातः—

- (i) उक्त अधिसूचना की सारणी II में स्तम्भ (2) और (3) के नीचे, प्रविष्टि "मिजोरम" के सामने "मिजो नेशनल फ्रंट" और "चीता" प्रविष्टियों के नीचे क्रमशः "2. डेमोक्रेटिक पार्टी" और "उदीयमान सूर्य" प्रविष्टियां जोड़ी जायेंगी; और अंक "1" प्रविष्टि "मिजो नेशनल फ्रंट" से पहले जोड़कर "1. मिजो नेशनल फ्रंट" के रूप में पढ़ा जायेगा;
- (ii) उक्त अधिसूचना की सारणी III में, स्तम्भ 1 और 2 के नीचे प्रविष्टियों "80. डेमोक्रेटिक पार्टी (मिजोरम) मिजोरम-796001" का लोप कर दिया जायेगा; और शेष 81 से 249 प्रविष्टियों को पुनः संख्यांकित करके क्रमशः 80 से 248 के रूप में पढ़ा जायेगा; और
- (iii) उक्त अधिसूचना की सारणी I में प्रविष्टि "30. मिजोरम" के सामने, स्तम्भ 2 के नीचे विनिर्दिष्ट क्रम सं० "13. उदीयमान सूर्य" प्रविष्टि का लोप कर दिया जायेगा; और शेष क्रम सं० 14 से 18 प्रविष्टियों को पुनः संख्यांकित करके क्रमशः 13 से 17 के रूप में पढ़ा जायेगा।

आदेश से,
के० पी० जी० कुट्टी,
सचिव ।

ELECTION COMMISSION OF INDIA

NEW DELHI:

5th January, 1990

Dated:—

Pausa 15, 1911(Saka).

NOTIFICATION

No. 56/89-(8).—Whereas the Election Commission of India is satisfied that as a result

of its performance at the General Election to Lok Sabha from the State of Mizoram, Democratic Party, a registered un-recognised political party is entitled for recognition as a State Party in the State Mizoram in terms of paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968;

And whereas the Election Commission has decided to recognise the Democratic Party as a State Party in the State of Mizoram and reserve the symbol "Rising Sun" for the said party in that State.

Now, therefore, in pursuance of clauses (b) and (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission, hereby makes the following amendments in its notification No. 56/89, dated the 23rd October, 1989, published as O. N. 162 (E), in the Gazette of India, Extraordinary, Part II, Section 3 (iii), dated the 26th October, 1981, and as amended from time to time, namely:—

- (i) In Table II of the said notification under columns (2) and (3), against entry "Mizoram", below entries "Mizo National Front" and "Tiger" entries "2. Democratic Party" and "Rising Sun" shall be added respectively; and figure "1" shall be added before entry "Mizo National Front" to read as "1. Mizo National Front";
- (ii) In Table III of the said notification the entries under columns 1 and 2 "80 Democratic Party (Mizoram). Mizoram-796 001" shall be deleted; and the remaining entries from 81 to 249 shall be re-numbered to read as 80 to 248 respectively; and
- (iii) In Table IV of the said notification against entry "30. Mizoram", the entry at S. No. "13. Rising Sun" specified under column 2 shall be deleted; and the remaining entries from S. No. 14 to 18 shall be re-numbered to read as 13 to 17 respectively.

By order,
K. P. G. KUTTY,
Secretary.

ELECTION DEPARTMENT

NOTIFICATION

Shimla-2, the 19th January, 1990

No. -7/86 Eln.—The Election Commission of India's notification No. 82/H.P. V.S./7/85, dated the 19th December, 1989, corresponding to Agra-hayana 28. 1911 (Saka), containing the judgment, dated the 9th November, 1989 of the Supreme Court of India, New Delhi on the appeal filed against the judgment, dated 3rd March, 1986 of the High Court of Himachal Pradesh in Election Petition No. 7 of 1985 for general information.

By order,
ATTAR SINGH,
Chief Electoral Officer,
Himachal Pradesh.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001,

19th December, 1989
dated 28 Agrahayana, 1911 (Saka).

NOTIFICATION

No. 82/H.P.-L A./7/85.—In pursuance of section 116-C (2) (b) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment dated the 9th November, 1989 of the Supreme Court of India in the appeal filed against the judgment, dated 3rd March, 1986 of the High Court of Himachal Pradesh at Shimla in Election Petition No. 7 of 1982.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 1552 of 1986

Shri Mehar Singh Chauhan

..Appellant.

Versus

Smt. Vidya Stokes

..Respondent.

ORDER

This appeal is directed against the judgment of the High Court of Himachal Pradesh dated 2-3-1986 dismissing the Election Petition filed the appellant.

The appellant challenged the respondent's election to the Himachal Pradesh Legislative Assembly on the ground that she was disqualified to be chosen as a member of the Assembly as on the date of her nomination she was holding an office of profit being a Director and Vice-Chairman of the Horticulture Produce Marketing and Processing Corporation, Shimla. Similar objection raised by the appellant before the Returning Officer at the time of scrutiny of the nomination paper, had been rejected by the Returning Officer. The High Court on an analysis of the evidence produced before it, held that the respondent did not hold any office of profit at the time of her nomination of election. On these findings the Election Petition was dismissed.

Learned counsel for the appellant urged that the respondent was Vice-Chairman of the Corporation and in that capacity she was managing of affairs of the Corporation wherein the State Government and share to the extent of more than 25%. There is no dispute that the respondent had been appointed Vice-Chairman of the Corporation by the State Government under a notification, dated 15-11-1983 for one year. On the expiry of period of one year i.e. on 14-11-1984 her term as Vice-Chairman came to an end and no other order was passed reappointing her or extending the term of her appointment. The respondent filed nomination paper on 24th February, 1985 and on that date she was not holding the office of Vice-Chairman. The learned counsel then urged that even though she had not been appointed Vice-Chairman after 14-11-1984 but she continued to function as Vice-Chairman even after 14-11-1984. We

have gone through the evidence on record but we find nothing therein to show that the respondent had been functioning as Vice-Chairman on the date of her nomination. We agree with the view taken by the High Court.

Learned counsel urged that since the respondent was Director of the Corporation she was entitled to remuneration under Articles of Association of the Corporation. The High Court in our opinion rightly rejected this contention on the finding that the Board had not fixed any remuneration payable to a Director and consequently the respondent was not entitled to any remuneration. We are also of the opinion that the respondent was not entitled to any remuneration as Director and therefore she did not hold any office of profit as contemplated by section 10 of the Representation of People Act. Learned counsel for the appellant submitted that the High Court's interpretation that service under the aforesaid Corporation does not amount to Government Service is incorrect. We do not consider it necessary to express opinion on this question in view of the finding that the respondent was not entitled to draw any remuneration from the Corporation.

We therefore agree with the view taken by the High Court that the appellant failed to prove that the respondent was holding any office of profit on the date of her nomination or election. The High Court rightly dismissed the appellant's election petition. The order of the High Court does not call for any interference. The appeal fails and is accordingly dismissed with costs.

NEW DELHI:

November 9, 1989.

Sd/-
K. N. SINGH, J.

Sd/-
M. H. KANIA, J.

Sd/-
KULDIP SINGH, J.

By order,
G. D. DHAWAN,
Under Secretary,
Election Commission of India.

निर्वाचन विभाग

अधिसूचना

शिमला-171002, 22 जनवरी, 1990

संख्या 6-4/87 ई0 एन0 एन0—भारत निर्वाचन आयोग की अधिसूचना संख्या 429/हि0 प्र0-वि0 स0/90(1), दिनांक 18 दिसम्बर, 1989 सम्वादी 27 अग्रहायण, 1911 (शक) अंग्रेजी रूपान्तर सहित जनसाधारण की सूचनार्थ प्रकाशित की जाती है।

आदेश से,
अनुर मिह,
मुख्य निर्वाचन अधिकारी,
हिमाचल प्रदेश।

भारत निर्वाचन आयोग

निर्वाचन सदन,
अशोक रोड,
नई दिल्ली-110001.

18 दिसम्बर, 1989

तारीख

27 अग्रहायण, 1911 (शक)।

अधिसूचना

सं० 429/हि० प्र०-वि० सं०/90(1).—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13-ग की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग यह निदेश देता है कि तारीख 15 मई, 1987 की उसकी अधिसूचना सं० 429/हि० प्र०-वि० सं०/87(1) में निम्नलिखित संशोधन किए जाएंगे, अर्थात्:—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 2 में,—

1. मद सं० 5 के सामने, प्रविष्टि 8. नायब-तहसीलदार, नेरवा,
2. मद सं० 10 के सामने, प्रविष्टि 7. अतिरिक्त उपायुक्त, सोलन,
3. मद सं० 11 के सामने, प्रविष्टियां 10. अतिरिक्त उपायुक्त, सोलन और 11. नायब तहसीलदार, कृष्णगढ़,
4. मद सं० 12 के सामने, प्रविष्टि 8. अतिरिक्त उपायुक्त, सोलन,
5. मद सं० 13 के सामने प्रविष्टियां 8. अतिरिक्त उपायुक्त, सोलन और 9. नायब-तहसीलदार, कृष्णगढ़,
6. मद संख्या 14 के सामने प्रविष्टि 9. अतिरिक्त उपायुक्त, सोलन,

जाड़ी जाएगी।

आदेश से,
एस० डी० प्रसाद,
सचिव,
भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

Dated 18th December, 1989
27 Agrahayana, 1911(S).

NOTIFICATION

No. 429/HP-LA/90 (1).—In exercise of the powers conferred by sub-section (1) of section 13-C of the Representation Act, 1950 (43 of 1950), the Election Commission hereby

directs that the following amendments shall be made in its Notification No. 429/HP-LA/87 (1), dated 15th May, 1987, namely:—

In column 2 of the table appended to the said notification,—

1. against item No. 5 the entry 8. Naib-Tehsildar, Nerwa,
2. against item No. 10, the entry 7. Additional Deputy Commissioner, Solan,
3. against item No. 11, the entry 10. Additional Deputy Commissioner, Solan and 11. Naib-Tehsildar, Krishangarh,
4. against item No. 12, the entry 8. Additional Deputy Commissioner, Solan,
5. against item No. 13 the entries 8. Additional Deputy Commissioner, Solan and 9. Naib-Tehsildar, Krishangarh.

6. against item No. 14, the entry 9. Additional Deputy Commissioner, Solan,

shall be added.

By order,
S. D. PERSHAD,
Secretary.
Election Commission of India.

निर्वाचन विभाग

अधिसूचना

शिमला-171002, 22 जनवरी, 1990

संख्या 3-12/89-ई0 एल0 एन0.—भारत निर्वाचन आयोग की अधिसूचना संख्या 434/हि0 प्र0-वि0 स0/90 (2), दिनांक 9 जनवरी, 1990 तदनुसार पीछे 19, 1911 (शक), अंग्रेजी रूपान्तर सहित, जन-साधारण की सूचना हेतु प्रकाशित करता हूँ।

आदेश से,
अतार सिंह,
मुख्य निर्वाचन अधिकारी,
हिमाचल प्रदेश।

भारत निर्वाचन आयोग

निर्वाचन सदन,
अशोक रोड,
नई दिल्ली-110-001.

9 जनवरी, 1990

तारीख
19 पीछे, 1911 (शक)।

अधिसूचना

सं0 434/हि0 प्र0-वि0 स0/90 (2).—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22

की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग यह निर्देश देता है कि उसकी तारीख 25 अगस्त, 1989 की अधिसूचना सं० 434/हि० प्र०-वि० म०/89 (2) में निम्नलिखित संशोधन किए जाएं, अर्थात्,—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 2 में,—

- (1) मद 1 के सामने "5. तहसीलदार (निर्वाचन), किन्नौर, रिकोग-पीथो" प्रविष्टि,
- (2) मद 8 के सामने "9. तहसीलदार, शिमला (शहरी)" प्रविष्टि,
- (3) मद 10 के सामने "7. अपर उपायुक्त, सोलन" प्रविष्टि,
- (4) मद 11 के सामने "10. अपर उपायुक्त, सोलन", "11. सहायक आयुक्त, परवानू", 12. "नायब-तहसीलदार, कृष्णगढ़" प्रविष्टि,
- (5) मद 12 के सामने "8. अपर उपायुक्त, सोलन" प्रविष्टि,
- (6) मद 13 के सामने "8. अपर उपायुक्त, सोलन" "9. सहायक आयुक्त, परवानू", "10. नायब-तहसीलदार, कृष्णगढ़" प्रविष्टि,
- (7) मद 14 के सामने "11. अपर उपायुक्त, सोलन" प्रविष्टि,
- (8) मद 17 के सामने "9. तहसीलदार पौंटा" और "10. नायब-तहसीलदार, पौंटा" प्रविष्टि,
- (9) मद 20 के सामने "7. नायब-तहसीलदार, स्वारघाट" प्रविष्टि,
- (10) मद 23 के सामने "7. नायब-तहसीलदार, झण्डूता" प्रविष्टि,
- (11) मद 55 के सामने "8. तहसीलदार (निर्वाचन), लाहौल-स्पिति, केलंग" प्रविष्टि,
- (12) मद 57 के सामने "7. उप-प्रभागीय अधिकारी (सिविल), बन्जार" प्रविष्टि,
- (13) मद 58 के सामने "8. उप-प्रभागीय अधिकारी (सिविल), बन्जार" प्रविष्टि,
- (14) मद 59 के सामने "8. उप-प्रभागीय अधिकारी (सिविल), सुन्दरनगर" प्रविष्टियां जोड़ी जाएंगी और
- (15) मद 18 के सामने विद्यमान प्रविष्टि 3 के स्थान पर "3. उप-प्रभागीय अधिकारी (सिविल), पौंटा" प्रविष्टि रखी जाएगी,
- (16) अंग्रेजी रूपान्तर में मद 67 के सामने प्रविष्टि 2 का संशोधन करके "2. अतिरिक्त जिला मैजिस्ट्रेट, मण्डी" के रूप में बढ़ा जाएगा,
- (17) मद 61 के सामने विद्यमान प्रविष्टि 4 का लोप किया जाएगा और 5 से 10 की प्रविष्टियों को 4 में 9 के रूप में पुनः संख्यांकित किया जाएगा, और

- (18) मद 62 के सामने विद्यमान प्रविष्टि 4 का लोप किया जाएगा और 5 से 8 की प्रविष्टियों को 4 से 7 के रूप में पुनः संख्याकित किया जाए।

आदेश से,
एस 0 डी 0 प्रशाद,
सचिव,
भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

9th January, 1990
Dated 19 Pausa, 1911 (Saka).

NOTIFICATION

No. 434/HP-LA/90 (2).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby directs that the following amendments shall be made in its notification No. 434/HP-LA/89 (2), dated 25th August, 1989, namely :—

In column 2 of the table appended to the said notification,—

- (1) against item 1, the entry “5. Tehsildar (Elections), Kinnaur, Reckong-peo”,
- (2) against item 8, the entry “9. Tehsildar, Shimla (Urban)”,
- (3) against item 10, the entry “7. Additional Deputy Commissioner, Solan”,
- (4) against item 11, the entries “10. Additional Deputy Commissioner, Solan”, “11. Assistant Commissioner, Parwanoo”, “12. Naib-Tehsildar, Krishangarh”,
- (5) against item 12, the entry “8. Additional Deputy Commissioner, Solan”,
- (6) against item 13, the entries “8. Additional Deputy Commissioner, Solan”, “9. Assistant Commissioner, Parwanoo”, “10. Naib-Tehsildar, Krishangarh”,
- (7) against item 14, the entry “11. Additional Deputy Commissioner, Solan”,
- (8) against item 17, the entries “9. Tehsildar, Paonta” and “10 Naib-Tehsildar Paonta”.
- (9) against item 20, the entry “7. Naib-Tehsildar, Swarghat”,
- (10) against item 23, the entry “7. Naib-Tehsildar, Jhandutta”,
- (11) against item 55, the entry “8. Tehsildar (Elections) Lahaul-Spiti, Keylong”,
- (12) against item 57, the entry “7. Sub-Divisional Officer (Civil), Banjar”,

- (13) against item 58, the entry "8. Sub-Divisional Officer (Civil), Banjar",
- (14) against item 59, the entry "8. Sub-Divisional Officer (Civil), Sundernagar", shall be added, and
- (15) for the existing entry 3, against item 18, the entry "3. Sub-Divisional Officer (Civil), Paonta" shall be substituted,
- (16) the entry 2 against item 67, in English version, shall be corrected to read as "2. Additional District Magistrate, Mandi",
- (17) the existing entry 4, against item 61 shall be deleted and entries 5 to 10 be re-numbered as 4 to 9, and
- (18) the existing entry 4, against item 62 shall be deleted and entries 5 to 8 be re-numbered as 4 to 7.

By order.
S. D. PERSHAD,
Secretary,
Election Commission of India.